

May 14, 2020

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Court's Sixth Amended Civil Case Management Plan and Scheduling Order (ECF No. 1423), the parties write to provide a joint status update regarding the COVID-19 pandemic and its impact on the operative pretrial schedule in this case. Having conferred with each other, the parties respectfully request that the Court extend all deadlines in the Scheduling Order by eight weeks to account for the widespread disruption caused by COVID-19.

The parties remain in the middle of expert discovery. The next deadline is for Plaintiffs to depose Defendants' four experts. *Id.* at 8. The parties agree that due to the technical nature and complexities involved with these depositions, both the preparation of Credit Suisse's experts by its counsel and the taking of the depositions by Plaintiffs' counsel are best accomplished in person. Though Credit Suisse's experts and the necessary counsel are located in the United States, current restrictions make completing these depositions by June 2 unlikely.

The parties are also conducting fact depositions in the United States and abroad. As a result of COVID-19 shelter-in-place orders and travel restrictions, Plaintiffs were forced to postpone all scheduled depositions, including depositions scheduled to occur in New York and London. Plaintiffs intend to take certain depositions remotely, specifically, depositions where the witnesses indicate they intend to invoke the Fifth Amendment, beginning in June 2020. Where, however, a witness intends to testify substantively, the parties agree that both preparation and deposition of the witness is best accomplished in person, especially where the witness is outside the trial subpoena power of this Court and the video record of the deposition may be the only means the Court and/or jury can evaluate the testimony.

The parties remain concerned that current (and future) air travel restrictions may either: (1) make exceedingly difficult or outright prohibit travel to attend these depositions; and/or (2) leave counsel stranded abroad or quarantined upon return.

Accordingly, the parties respectfully request an eight-week extension of the schedule and ask the Court to modify its Sixth Amended Scheduling Order to extend all deadlines by eight weeks as follows:

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Current Deadline	Action	New Deadline
6/4/2020	Depositions of defendants' experts	7/30/2020
6/18/2020	Reply expert reports	8/13/2020
9/1/2020	Fact discovery substantially complete	10/27/2020
9/17/2020	Pre-motion conference for dispositive motions (with pre-motion letters due 14 days in advance)	After substantial completion of fact discovery, as set by Court

This extension will allow the parties to postpone pending depositions to protect health and minimize travel while the parties assess the ongoing developments related to COVID-19. The parties agree they will suffer no prejudice from this extension. The parties only make this request in light of the continuing exceptional circumstances at hand.

By July 16, 2020, the parties will submit a joint special status letter addressing whether any further modifications of the schedule are necessary.

Respectfully submitted,

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